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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,084	11/08/2004	Yoichiro Sako	257498US6PCT	2786
22850	7590	11/27/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER DUNN, MISHAWN N	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 11/27/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/512,084	<b>Applicant(s)</b> SAKO ET AL.	
	<b>Examiner</b> Mishawn N. Dunn	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-17 is/are rejected.
- 7) ☒ Claim(s) 5-7, 18, and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/04, 3/06</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 8-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Miura et al. (US Pub. No. 2004/0013398).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

3. Consider claim 1. Miura et al. teaches a reproducing apparatus comprising: reproducing means for reproducing video data and audio data; viewpoint detecting means for detecting a viewpoint of a user; discriminating means for discriminating a degree of an interest of said user in the video data and the audio data which are reproduced from detection information obtained by said viewpoint detecting means; and control means for changing reproducing characteristics of at least either of said video

data and said audio data on the basis of a discrimination result obtained from said discriminating means (paras. 0086-0087 and 0092-0094).

4. Consider claim 2. Miura et al. teaches a reproducing apparatus according to claim 1, wherein said viewpoint detecting means is means for detecting a target of the viewpoint (para. 0087).

5. Consider claim 3. Miura et al. teaches a reproducing apparatus according to claim 2, wherein said target of the viewpoint is a display on which said video data is displayed (para. 0087).

6. Consider claim 4. Miura et al. teaches a reproducing apparatus according to claim 1, wherein said viewpoint detecting means is means for detecting a change in viewpoint (paras. 0092-0094).

7. Consider claim 8. Miura et al. teaches a reproducing apparatus according to claim 1, wherein said control means controls the reproducing characteristics of the audio data (paras. 0086 and 0118).

8. Consider claim 9. Miura et al. teaches a reproducing apparatus according to claim 8, wherein said control means controls a sound volume level of said audio data on the basis of said discrimination result (para. 0118).

9. Consider claim 10. Miura et al. teaches a reproducing apparatus according to claim 8, wherein said control means changes a frequency band of said audio data on the basis of said discrimination result (para. 0118).

10. Consider claim 11. Miura et al. teaches a reproducing apparatus according to claim 8, wherein said control means executes emphasis or suppression of a

predetermined frequency band of said audio data on the basis of said discrimination result (para. 0118).

11. Consider claim 12. Miura et al. teaches a reproducing apparatus according to claim 1, wherein said control means controls the reproducing characteristics of the video data (para. 0118).

12. Consider claim 13. Miura et al. teaches a reproducing apparatus according to claim 12, wherein said control means controls a luminance level of said video data on the basis of said discrimination result (para. 0118).

13. Consider claim 14. Miura et al. teaches a reproducing apparatus according to claim 12, said control means controls resolution of said video data on the basis of said discrimination result (para. 0118).

14. Claims 15-17 are rejected using similar reasoning as the corresponding claims above.

#### ***Allowable Subject Matter***

15. Claims 5-7, 18, and 19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

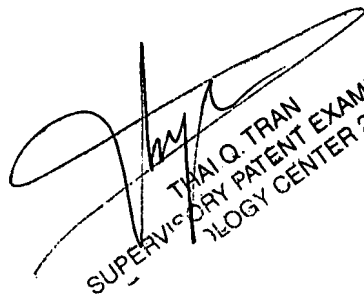
- a. US Pat. No. 6,078,349
- b. US Pat. No. 7,003,139
- c. US Pat. No. 7,171,108
- d. JP Pub. No. 2000-059745

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mishawn Dunn

  
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